STATE OF NEW YORK

4830--A

2023-2024 Regular Sessions

IN SENATE

February 15, 2023

Introduced by Sens. KENNEDY, COMRIE, COONEY, HARCKHAM, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law and the public service law, in relation to establishing a highway and depot charging action plan

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. In order to achieve targets set forth by the climate leadership and community protection act, zero-emissions vehicle sales targets and regulations, including the advanced clean truck and advanced clean cars II rules, zero-emissions school bus mandate, and other relevant goals, the interests of the people of the state would be served by:

1. Coordinating efforts to plan for electric vehicle fast-charging deployment on New York's highways;

2. Identifying priority sites for the deployment of fast chargers along New York's highways, estimating future charging demand at these sites for all vehicle classes, and identifying necessary electric grid transmission and distribution infrastructure and interconnection upgrades at these sites;

3. Expediting electric grid transmission and distribution infrastructure and interconnection upgrades at sites controlled by the New York state thruway authority, sufficient to future-proof thruway sites for accelerated fast charger deployment to serve light duty, medium duty and heavy duty vehicles; and

4. Identifying additional high priority areas for the deployment of charging for medium and heavy duty vehicles, such as school buses, transit buses, and other light, medium and heavy duty commercial fleet

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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depots, and removing barriers to charging deployment, including electric infrastructure constraints.

§ 2. The public authorities law is amended by adding a new section 1885 to read as follows:

§ 1885. Highway and depot charging action plan. 1. Within nine months of the effective date of this section, and every three years thereafter, the authority, in consultation with the department of public service, the department of transportation, the department of motor vehicles, the New York state thruway authority, the New York power authority, the Long Island power authority, the department of environmental conservation, and the electric distribution and local transmission utilities, shall develop a highway and depot charging action plan. The charging plan shall:

(a) support and complement planning by the state for fast charger deployment along alternative fuel corridors;

(b) identify the number and location of fast chargers along priority highway corridors, including fast chargers currently installed and connected to the grid, installed and not yet connected to the grid, in development, and identify locations of additional need;

(c) estimate future need for fast charger deployment along priority highway corridors for the purposes of (i) facilitating the cost-effective and timely achievement of mandates, and any amendments thereto, under (1) article seventy-five of the environmental conservation law, (2) section 19-0306-b of the environmental conservation law regarding zero-emissions vehicle sales targets, (3) rules and regulations for zero-emissions vehicles adopted by the commissioner of environmental conservation, and (4) other relevant and applicable federal and state rules or regulations or local requirements or goals to reduce transportation sector emissions; and (ii) supporting electric vehicle adoption by consumers and fleet operators;

(d) identify the number and location of highway charging hubs, including but not limited to thruway charging hubs along priority highway corridors, and identify locations of additional need;

(e) estimate total charging capacity required to serve light duty, medium duty, and heavy duty electric vehicles at each highway charging hub through at least the year two thousand fifty;

(f) to the extent practicable, identify the number and location of commercial and public fleet vehicles in operation, including their body type, fuel type, model year, zip code, and other relevant information needed to forecast the number and location of zero-emissions vehicles, per state policy;

(g) identify the number and location of fleet charging zones;

(h) estimate future need for charging deployment and charging capacity in the fleet charging zones, including charging capacity required in each charging zone to enable fleet charging at depots sufficient to satisfy the targets and regulations identified in paragraph (c) of this section; and

(i) seek to optimize fast charger deployment among the highway charging hubs and charging development among the fleet charging zones to reduce the cost of interconnection, electric distribution, and local transmission upgrades while serving projected vehicle traffic volumes.

2. The authority shall develop a stakeholder engagement process to raise consumer awareness and education across the state and solicit feedback from the public, representatives or residents of environmental justice or disadvantaged communities, electric vehicle manufacturers, electric vehicle supply equipment manufacturers, fleet operators, and

others on the highway and depot charging action plan. To the extent practicable and consistent with applicable timelines, the authority may coordinate the highway and depot charging action plan stakeholder input process with the process set forth in section eighteen hundred eighty-four of this article.

3. The authority shall submit the highway and depot charging action plan to the public service commission no later than nine months after the effective date of this section and an updated charging plan every three years thereafter. The highway and depot charging action plan shall be made publicly available on the authority's website, provided however, the authority may redact or exclude sensitive information in accordance with applicable law, rule or regulation.

4. To facilitate development of a fast charging network along the priority highway corridors as set forth in this section, the charging plan shall designate locations as highway charging hubs, as follows:

(a) All thruway charging hubs shall be designated as highway charging hubs.

(b) Additional sites or geographic areas shall be prioritized for designation as highway charging hubs based on (i) eligibility for federal, state, or other funding opportunities, (ii) proximity to electric transmission infrastructure, (iii) projected vehicle traffic, (iv) charging network coverage, (v) interstate and intrastate commerce, (vi) benefits to environmental justice and disadvantaged communities, (vii) benefits of increased charging accessibility in host communities, (viii) real property ownership or control of potential sites, (ix) relevant commitments from site and/or charging operators, and (x) other factors deemed relevant for the development and successful implementation of the charging plan.

(c) Highway charging hubs shall be within one mile of the priority highway corridors, spaced no more than fifty miles apart along the priority highway corridors and reasonably accessible regardless of direction of travel.

(d) The authority may consider privately operated sites which are open to the public or multiple commercial entities as eligible for designation as a highway charging hub, subject to reasonable restrictions.

(e) A single highway charging hub may be comprised of multiple charging service areas located within a distance from one another deemed by the authority, in consultation with the electric utilities, to be reasonable.

5. Geographic areas shall be prioritized for designation as fleet charging zones based on:

(a) total number of commercial and public fleet vehicles in operation and/or total number of fleet operators in the geographic area,

(b) projected vehicle traffic in the geographic area,

(c) benefits to public fleets, such as school bus operators,

(d) benefits to and support from environmental justice and disadvantaged communities,

(e) relevant commitments from fleet and/or site operators to install charging equipment,

(f) available capacity on the electric distribution and local transmission network to serve vehicle chargers,

(g) ensuring equitable coverage and access to fleet charging throughout the state, and

(h) other factors deemed relevant for the development and successful implementation of the charging plan.

6. As used in this section, the following terms shall have the following meanings:

(a) "Alternative fuel corridors" shall mean highways designated within the state pursuant to 23 U.S.C. 151.

(b) "Charging plan" shall mean the highway and depot charging action plan.

(c) "Depot" shall mean a site where private or public fleet vehicles are regularly parked, maintained, or otherwise dispatched for service, including school bus garages. A single depot may serve multiple fleets.

(d) "Fast charger" shall mean a direct current electric vehicle charging port which can charge at a level of at least one hundred fifty kilowatts.

(e) "Fleet charging zone" shall mean a priority geographic area for the deployment of charging infrastructure for public and commercial fleet operators or owners, including school bus fleets.

(f) "Highway and depot charging action plan" shall mean the plan developed pursuant to subdivision two of this section.

(g) "Highway charging hub" shall mean a priority site for the deployment of large scale, fast charging infrastructure for all vehicle classes, which has minimum station power capability at or above six hundred kilowatts and supports at least one hundred fifty kilowatts per port simultaneously across four ports for charging. These sites shall include but are not limited to thruway charging hubs. The authority shall determine when a need exists to increase the minimum station power and port capabilities established under this section to account for medium- and heavy-duty vehicle charging demands and may increase the minimum station power and port capabilities as appropriate.

(h) "Priority highway corridor" shall mean alternative fuel corridors and other state and county highways identified in the charging plan as appropriate to ensure sufficient and equitable charging access throughout the state.

(i) "Thruway charging hubs" shall mean all highway service areas controlled, leased, owned, or operated by the New York state thruway authority. The charging plan shall identify how thruway charging hubs can serve charging needs of all vehicle classes.

§ 3. The public service law is amended by adding a new section 66-v to read as follows:

§ 66-v. Electric network and interconnection upgrades to enable the highway and depot charging action plan. 1. Within ninety days of the submission of the highway and depot charging action plan to the commission pursuant to section eighteen hundred eighty-five of the public authorities law, and in consultation with the New York state thruway authority, the New York power authority, and the Long Island power authority, the commission shall commence a proceeding to direct New York electric utilities to produce capital plans to develop, own, and operate interconnection, electric distribution, and local transmission upgrades necessary to meet charging capacity requirements at all highway charging hubs identified in the highway and depot charging action plan. Such capital plans shall:

(a) include upgrades to site interconnection at all highway charging hubs;

(b) be designed to minimize the need for multiple or duplicative upgrades at a given site by considering charging capacity requirements for all vehicle classes through the year two thousand fifty, and by considering other sources of electric demand at highway charging hubs. Where feasible, upgrades shall be designed as future-proofing upgrades;

(c) expedite interconnection, electric distribution, and local transmission upgrades at highway charging hubs and shall include future-proofing upgrades at all thruway charging hubs;

(d) consider the existence of relevant commitments from site and/or charging operators in prioritizing the schedule of upgrades for highway charging hubs;

(e) identify a schedule for upgrades, provided such schedule shall be subject to reasonable constraints such as availability of land, permitting, relevant commitments from site operators, updates to the highway and depot charging action plan, or other factors; and

(f) identify barriers to the timely interconnection of charging sites addressed in the utility capital plan, such as permitting or electric infrastructure supply chain dependencies, and, where identified, recommend actions to address those barriers.

2. To reduce costs of the capital plans to utility customers, the commission shall consider mechanisms including, but not limited to, funding made available by the state and/or federal government. The commission shall develop a plan to ensure cost-effectiveness of investments in the capital plan, and shall consider benefits made available to utility customers through investments in the capital plan.

3. The commission shall act to ensure that upgrades are implemented in a timely and cost-effective manner to meet the charging requirements identified in the highway and depot charging action plan at all highway charging hubs and in all fleet charging zones. Provided, in evaluating the benefits of proposed upgrades, the commission may consider, among other factors:

(a) appropriate benchmarks for resilience and redundancy of power supply at selected sites;

(b) each site's role in providing charging in emergency conditions;

(c) opportunities for the upgrades to improve system reliability and resiliency, or address existing asset condition needs;

(d) opportunities for the upgrades to serve additional electric load growth, including but not limited to adjacent fleet depot charging or charging for host communities;

(e) opportunities for the upgrades to facilitate renewable generation, distributed energy resources, or hydrogen production;

(f) potential for upgrades at highway charging hubs or in fleet charging zones to defer the need for upgrades at other existing charging locations; and

(g) availability of complementary funding or incentives for make-ready infrastructure to promote charging development.

4. In establishing the capital plan, the electric utilities shall evaluate benefits of utilizing distributed energy resources, including but not limited to, energy storage or managed charging programs. Such benefits may include, but are not limited to, lowering the total cost of the capital plan, providing increased resiliency at a highway charging hub or in a fleet charging zone, and providing interim solutions to enable charging deployment where grid infrastructure is not yet in place. Interconnection, electric distribution, and local transmission upgrades in the capital plan may include utility ownership and operation of energy storage facilities, including, but not limited to, mobile or temporary storage facilities.

5. For the purposes of this section, "future-proofing upgrades" shall mean upgrades that seek to accommodate future growth in charging capacity requirements.

6. (a) The commission, in consultation with the commissioner of environmental conservation, may issue such rules and regulations as the commission determines necessary for the purposes of carrying out the provisions of this section, including rules that expedite the interconnection process for electric vehicle supply equipment.

(b) The public service commission shall consider opportunities to expedite the interconnection process for highway charging hubs and electric vehicle charging sites, including depots, identified in the fleet charging zones.

7. In the proceeding established in subdivision one of this section, or in another proceeding designated by the commission, the commission shall act to identify and remove the barriers to the efficient and timely deployment of charging infrastructure needed to electrify New York's commercial and public fleet vehicles and support charging deployment at depots in the fleet charging zones. The commission shall consider, among other factors:

(a) revisions to utility infrastructure planning for electric vehicles to encourage proactive investments in the fleet charging zones, especially where investments support and are supported by disadvantaged and environmental justice communities;

(b) implementing necessary transmission and distribution upgrades to meet the charging capacity requirements in the fleet charging zones;

(c) revisions to utility programs and capital planning to eliminate barriers to charging deployment, reduce interconnection costs, and provide required electric service to school bus operators and other public fleet operators;

(d) revisions to utility programs and capital planning to reduce interconnection costs for private fleet operators and charging site operators, including sites which serve multiple medium- and heavy-duty fleets;

(e) appropriate benchmarks for resilience and redundancy of power supply in selected areas;

(f) opportunities for the upgrades to improve system reliability and resiliency, or address existing asset condition needs;

(g) opportunities for the upgrades to serve additional electric load growth;

(h) opportunities for the upgrades to facilitate renewable generation, distributed energy resources, or hydrogen production;

(i) opportunities for future-proofing upgrades;

(j) availability of complementary funding or incentives for make ready infrastructure to promote charging development; and

(k) benefits of distributed energy resources, including energy storage.

8. Utility capital plans created under this section shall demonstrate that the electric utility has entered into a labor peace agreement with a bona fide labor organization of jurisdiction that is actively engaged in representing electric utility employees.

§ 4. Section 1020-gg of the public authorities law, as added by chapter 433 of the laws of 2009, is amended to read as follows:

§ 1020-gg. Energy plan. The authority shall complete a biennial energy plan in accordance with the provisions of article six of the energy law. In addition to any requirements of article six of the energy law, the authority shall provide copies of its biennial energy plan to the governor, the temporary president of the senate, the speaker of the assembly, the chair of the assembly committee on energy and the chair of the senate committee on energy and telecommunications. Further, the authori-

ty shall cooperate and participate in the state energy planning procedures as enumerated in article six of the energy law. **Notwithstanding the foregoing, the authority shall establish or amend an existing capital plan to implement upgrades in its service territory in accordance with the dictates of a proceeding implemented by the public service commission pursuant to section sixty-six-v of the public service law. The authority and the New York state energy research and development authority shall identify no fewer than two highway charging hubs in the authority's service territory where future-proofing upgrades shall be implemented on a similar timeline as at the thruway charging hubs, as defined in section eighteen hundred eighty-five of this chapter, subject to reasonable constraints.**

§ 5. This act shall take effect immediately.